

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
RC PETITION**DO NOT WRITE IN THIS SPACE**

Case No.


22-RC-297019

Date Filed

6/3/2022

INSTRUCTIONS: Unless e-Filed using the Agency's website, www.nlr.gov/, submit an original of this Petition to an NLRB office in the Region in which the employer concerned is located. The petition must be accompanied by both a showing of interest (see 6b below) and a certificate of service showing service on the employer and all other parties named in the petition of: (1) the petition; (2) Statement of Position form (Form NLRB-505); and (3) Description of Representation Case Procedures (Form NLRB 4812). The showing of interest should only be filed with the NLRB and should not be served on the employer or any other party.

1. PURPOSE OF THIS PETITION: RC-CERTIFICATION OF REPRESENTATIVE - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees. **The Petitioner alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority pursuant to Section 9 of the National Labor Relations Act.**

2a. Name of Employer: Clara Maass Medical Center		2b. Address(es) of Establishment(s) involved (Street and number, City, State, ZIP code): 1 Clara Maass Drive Belleville, NJ 07109	
3a. Employer Representative - Name and Title: Alfred Torres, VP Human Resources, Administration		3b. Address (if same as 2b - state same): same	
3c. Tel. No. 973-450-2981	3d. Cell No.	3e. Fax No.	3f. E-Mail Address Alfred.Torres@rwjbh.org
4a. Type of Establishment (Factory, mine, wholesaler, etc.) acute care hospital		4b. Principal Product or Service health care	5a. City and State where unit is located: Belleville, NJ
5b. Description of Unit Involved: Included: All full time and regular part time, including per diem, Registered Nurses. Excluded: All other employees, guards, and supervisors as defined in the Act.			6a. Number of Employees in Unit: 525
			6b. Do a substantial number (30% or more) of the employees in the unit wish to be represented by the Petitioner? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Check One: <input type="checkbox"/> 7a. Request for recognition as Bargaining Representative was made on (Date) _____ and Employer declined recognition on or about (Date) _____ (If no reply received, so state). <input type="checkbox"/> 7b. Petitioner is currently recognized as Bargaining Representative and desires certification under the Act.			
8a. Name of Recognized or Certified Bargaining Agent (If none, so state) None		8b. Address:	
8c. Tel. No.	8d. Cell No.	8e. Fax No.	8f. E-Mail Address
8g. Affiliation, if any:		8h. Date of Recognition or Certification	8i. Expiration Date of Current or Most Recent Contract, if any (Month, Day, Year)
9. Is there now a strike or picketing at the Employer's establishment(s) involved? <u>No</u> If so, approximately how many employees are participating? _____ (Name of Labor Organization) _____, has picketed the Employer since (Month, Day, Year) _____			
10. Organizations or individuals other than Petitioner and those named in items 8 and 9, which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in the unit described in item 5b above. (If none, so state) None			
10a. Name		10b. Address	
		10c. Tel. No.	10d. Cell No.
		10e. Fax No.	10f. E-Mail Address
11. Election Details: If the NLRB conducts and election in this matter, state your position with respect to any such election:			11a. Election Type: <input type="checkbox"/> Manual <input checked="" type="checkbox"/> Mail <input type="checkbox"/> Mixed Manual/Mail
11b. Election Date(s): June 24, 2022 (mailing date)		11c. Election Time(s): n/a	11d. Election Location(s): n/a
12a. Full Name of Petitioner (including local name and number): 1199SEIU United Healthcare Workers East		12b. Address (street and number, city, State and ZIP code): 555 Route 1 South, 3rd Floor Iselin, NJ 08830	
12c. Full name of national or international labor organization of which Petitioner is an affiliate or constituent (if none, so state): Service Employees International Union			
12d. Tel. No. (732) 287-8113	12e. Cell No.	12f. Fax No. (732) 287-8117	12g. E-Mail Address
13. Representative of the Petitioner who will accept service of all papers for purposes of the representation proceeding.			
13a. Name and Title: Amelia K. Tuminaro, Attorney		13b. Address (street and number, city, State and ZIP code): 39 Broadway, Suite 2430 New York, NY 10006	
13c. Tel. No. (212) 228-7727	13d. Cell No.	13e. Fax No. (212) 228-7654	13f. E-Mail Address atuminaro@grmny.com
I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.			
Name (Print) Amelia K. Tuminaro		Signature 	Title Attorney
			Date 06/03/22

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
STIPULATED ELECTION AGREEMENT

CLARA MAASS MEDICAL CENTER

Case 22-RC-297019

The parties **AGREE AS FOLLOWS:**

1. PROCEDURAL MATTERS. The parties waive their right to a hearing and agree that any notice of hearing previously issued in this matter is withdrawn, that the petition is amended to conform to this Agreement, and that the record of this case shall include this Agreement and be governed by the Board's Rules and Regulations.

2. COMMERCE. The Employer is engaged in commerce within the meaning of Section 2(6) and (7) of the National Labor Relations Act and a question affecting commerce has arisen concerning the representation of employees within the meaning of Section 9(c).

The Employer, Clara Maass Medical Center, a New Jersey corporation, with its principal office and place of business located at 1 Clara Maass Drive, Belleville, New Jersey, is engaged in the operation of an acute care hospital. During the preceding twelve months, the Employer, in the course and conduct of its business operations described above, received gross revenues in excess of \$250,000 and purchased and received goods and materials valued in excess of \$5,000 directly from suppliers located outside the State of New Jersey.

3. LABOR ORGANIZATION. The Petitioner, 1199SEIU United Healthcare Workers, East is an organization in which employees participate, and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work and is a labor organization within the meaning of Section 2(5) of the Act.

4. ELECTION. The election will be conducted by United States mail. The mail ballots will be mailed to employees employed in the appropriate collective-bargaining unit from the office of the National Labor Relations Board, Region 22, on **Friday, July 15, 2022, by 5:00 p.m.** Voters must return their mail ballots so that they will be received in the National Labor Relations Board, Region 22 office by close of business on **Friday, August 5, 2022.**

Voters must sign the outside of the envelope in which the ballot is returned. Any ballot received in an envelope that is not signed will be void.

If any eligible voter does not receive a mail ballot or otherwise requires a duplicate mail ballot kit, he or she should contact the Region 22 office by no later than **Friday, July 22, 2022**, in order to arrange for another mail ballot kit to be sent to that employee.

The mail ballots will be counted at the Region 22 office located at 20 Washington Place, Newark, New Jersey 07102 at **10:00 a.m. (EDT) on Wednesday, August 10, 2022**, by videoconference. The parties will be apprised of the details of the videoconference count no later than 24 hours prior to the count. No party may make a video or audio recording or save any image of the ballot count.

If the election and/or count is postponed or canceled, the Regional Director, in his or her discretion, may reschedule the date, time, and place of the election.

Initials: _____

5. UNIT AND ELIGIBLE VOTERS. The following unit is appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

INCLUDED: All full-time, regular part-time and per diem* Registered Nurses (RN) employed by the Employer at its 1 Clara Maass Drive, Belleville, New Jersey facility.

EXCLUDED: All office clerical employees, Nurse Practitioners, Senior RN Case Managers, RN Case Management Coordinators, RN Discharge Specialists, RN Coordinator Care employees, Infection Control RNs, RN Educators, Nurse Midwives, RN First Assistants, RN Coordinators (Infusion), guards and supervisors as defined in the Act, and all other employees.

*Under *Davison-Paxon*, 185 NLRB 21 (1970), to be eligible, per diem Registered Nurses (RN) must regularly average 4 hours of work or more per week for the last quarter prior to the eligibility date.

Those eligible to vote in the election are employees in the above unit who were employed during the **payroll period ending Saturday, June 11, 2022**, including employees who did not work during that period because they were ill, on vacation, or were temporarily laid off. In a mail ballot election, employees are eligible to vote if they are in the above unit on both the payroll period ending date and on the date they mail in their ballots to the Board's designated office.

Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, employees engaged in an economic strike which commenced less than 12 months before the election date, who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Employees who are otherwise eligible but who are in the military services of the United States may vote if they appear in person at the polls or by mail as described above in paragraph 4.

Ineligible to vote are (1) employees who have quit or been discharged for cause after the designated payroll period for eligibility, and, in a mail ballot election, before they mail in their ballots to the Board's designated office, (2) employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and (3) employees engaged in an economic strike which began more than 12 months before the election date who have been permanently replaced.

6. VOTER LIST. Within 2 business days after the Regional Director has approved this Agreement, the Employer must provide to the Regional Director and all of the other parties a voter list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available personal home and cellular telephone numbers) of all eligible voters. **The voter list must be filed with the Petitioner at the following electronic address: atuminaro@grmny.com.** The Employer must also include, in a separate section of that list, the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge. The list must be filed in common, everyday electronic file formats that can be searched. Unless otherwise agreed to by the parties, the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file

Initials: _____

that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. The font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. When feasible, the list must be filed electronically with the Regional Director and served electronically on the parties. The Employer must file with the Regional Director a certificate of service of the list on all parties.

7. THE BALLOT. The Regional Director, in his or her discretion, will decide the language(s) to be used on the election ballot. All parties should notify the Region as soon as possible of the need to have the Notice of Election and/or ballots translated.

The question on the ballot will be "Do you wish to be represented for purposes of collective bargaining by 1199SEIU UNITED HEALTHCARE WORKERS EAST?" The choices on the ballot will be "Yes" or "No".

8. NOTICE OF ELECTION. The Regional Director, in his or her discretion, will decide the language(s) to be used on the Notice of Election. The Employer must post copies of the Notice of Election in conspicuous places, including all places where notices to employees in the unit are customarily posted, at least three (3) full working days prior to 12:01 a.m. of the day the ballots are mailed to employees. The Employer must also distribute the Notice of Election electronically, if the Employer customarily communicates with employees in the unit electronically. Failure to post or distribute the Notice of Election as required shall be grounds for setting aside the election whenever proper and timely objections are filed.

9. NOTICE OF ELECTION ONSITE REPRESENTATIVE. The following individual will serve as the Employer's designated Notice of Election onsite representative: Robert T. Clarke, Esq., Apruzzesse, McDermott, Mastro & Murphy, P.C., 25 Independence Boulevard, Warren, NJ 07059, clarke@ammm.com; CELL: (908) 305-2061; FAX: (908) 647-1492.

10. ACCOMMODATIONS REQUIRED. All parties should notify the Region as soon as possible of any voters, potential voters, or other participants in this election who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in the election need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, and request the necessary assistance.

11. OBSERVERS. Each party may station an equal number of authorized, nonsupervisory-employee observers at the polling places to assist in the election, to challenge the eligibility of voters, and to verify the tally. Each party may designate an observer or observers to participate in the count, including challenging the eligibility of voters.

12. TALLY OF BALLOTS. The ballot count will take place virtually on Wednesday, August 10, 2022. In accordance with Paragraph 4, the parties will be apprised of the details of the videoconference count no later than 24 hours prior to the count. Upon conclusion of the election, the ballots will be counted and a tally of ballots prepared and immediately made available to the parties.

Initials: _____

13. POSTELECTION AND RUNOFF PROCEDURES. All procedures after the ballots are counted shall conform with the Board's Rules and Regulations.

CLARA MAASS MEDICAL CENTER

(Employer)

By: /s/ Robert T. Clarke, Esq 6/24/22
(Signature) (Date)

Print
Name: Robert T. Clarke, Esq.

**1199SEIU UNITED HEALTHCARE
WORKERS EAST**

(Petitioner)

By: /s/ Amelia K. Tuminaro 6/24/22
(Signature) (Date)

Print
Name: Amelia K. Tuminaro, Esq.

Recommended: /s/ Saulo Santiago 6/24/22
SAULO SANTIAGO, Attorney (Date)

Date approved: June 24, 2022

/s/ Suzanne Sullivan
Regional Director, Region 22
National Labor Relations Board